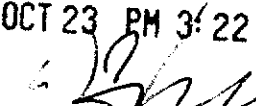


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FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT 2013 OCT 23 PM 3:22
FOR THE SOUTHERN DISTRICT OF GEORGIA CLERK 

SO. DIST. OF GA.

DUBLIN DIVISION

MORRIS SCOTT HOLMES,

Plaintiff,

v.

BARBARA DALRYMPLE, Doctor,
Johnson State Prison, et al.,

Defendants.

CV 312-099

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed (doc. nos. 65, 66). Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Defendants' motion to dismiss is **GRANTED IN PART** and **DENIED IN PART**. (Doc. no. 47.) Plaintiff's official capacity claims for money damages against Defendants are **DISMISSED**, but Defendants' motion to dismiss Plaintiff's amended complaint in its entirety is **DENIED**. The case shall thus proceed on Plaintiff's remaining claims against Defendants in their individual capacities as stated in the Report and Recommendation. Moreover, the stay of discovery in this case is lifted, and pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Defendants shall file an answer to Plaintiff's amended complaint within 14

days of the date of this Order. Upon the filing of Defendants' answer, the Clerk shall issue a Scheduling Notice setting the deadlines in this case.

SO ORDERED this 23rd day of October, 2013, at Augusta, Georgia.

A handwritten signature in black ink, appearing to read "Rudolph W. Young", written over a horizontal line.

UNITED STATES DISTRICT JUDGE